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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,918	04/14/2000	Kiyoshi Taguchi	10059-350US	8909

570 7590 05/29/2003

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EXAMINER

LANGEL, WAYNE A

ART UNIT PAPER NUMBER

1754

DATE MAILED: 05/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/549918

Applicant(s)

Taguchi et al

Examiner

Langel

Group Art Unit

1754

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 4-21-03

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1, 2 and 4-14 is/are pending in the application.

☐ Claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1, 2 and 6-14 is/are allowed.

☒ Claim(s) 4 and 5 is/are rejected.

☐ Claim(s) _____ is/are objected to.

_____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 15

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Interview Summary, PTO-413

☐ Notice of Informal Patent Application, PTO-152

☐ Other _____

Office Action Summary

Upon reconsideration, the restriction requirement is withdrawn.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) The invention was described in (1) an application for patent, published under Section 122(b), by another applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 6-14 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Chintawar et al. (newly cited). Chintawar et al.

disclose a hydrogen refinement apparatus comprising a source of reformed gas containing hydrogen, carbon monoxide and water vapor, and a reaction chamber equipped with a carbon monoxide shifting catalyst body positioned downstream from the reformed gas, wherein the carbon monoxide shifting catalyst body comprises cerium oxide having platinum supported thereon. (See the Abstract and column 4, line 51 - column 5, line 63.) Chintawar et al. disclose in Table 1 at column 6, lines 56-65 that the zirconium oxide has a surface area of about 50 m²/g. It is noted that Chintawar et al. has an effective filing date of May 3, 1999, which is after applicant's priority date of April 22, 1999. However there is no certified English translation of applicant's priority document of record, so it cannot be determined whether applicant is entitled to such priority date. Accordingly Chintawar et al. is properly available as prior art, since its effective filing date is before the filing date of the instant application (April 14, 2000).

Claims 7-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lywood et al. in view of either Chen et al. or Yperen et al., for the reasons given in the last Office action.

Claims 7-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Singleton in view of either Chen et al. or Yperen et al., for the reasons given in the last Office action.

Art Unit 1754

Applicant's argument, that none of the cited prior art references teaches or suggests a shifting catalyst body comprising a carrier composed of titanium oxide and platinum supported thereon, or a catalyst body that comprises cerium oxide or zirconium oxide, is not convincing, since claims 7-9 do not require a catalyst body comprising a carrier composed of titanium oxide with platinum supported thereon, or a catalyst body that comprises cerium oxide or zirconium oxide.

Claims 4 and 5 are objected to as based on a rejected parent claim, and would be allowed if written in independent form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne A. Langel whose telephone number is (703) 308-0248. The examiner can normally be reached on Monday through Friday from 8 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on (703) 308-3837. The fax phone number for this Group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2351.

WAL:cdc
May 28, 2003

Wayne A. Langel
WAYNE A. LANGEL
PRIMARY EXAMINER